

## **RULE CR-49. SERVING AND FILING PAPERS**

- (a) **Duplicate Papers.** Any paper required to be filed under Federal Rule of Criminal Procedure 49(d) must be furnished to the clerk in duplicate. The clerk must mark and file the original and send the copy to the assigned judge.
- (b) **Proof of Service.** Any paper required to be filed under Federal Rule of Criminal Procedure 49(a) must contain proof of service appearing on or affixed to the filing. Proof of service may be in the form of:
- (1) an acknowledgment of service by the person served; or
  - (2) a statement of the date and manner of service and of the names of the persons served certified by the person who made service.
- (c) **Format of Papers.**
- (1) Any paper presented to the clerk for filing must:
    - (A) be typed or printed, double-spaced, on 8½ by 11 inch paper, without erasures or interlineation materially defacing it;
    - (B) be endorsed with the style of the case and the descriptive name of the pleading or document; and
    - (C) contain either:
      - (i) the mailing address, signature, state bar card number and telephone and fax numbers (including area code) of the attorney, if filed by an attorney; or
      - (ii) the mailing address, signature, and telephone number (including area code) of the pro se party, if filed pro se.
  - (2) Any proposed order must be completely separate from any other paper.
- (d) **Non-conforming Papers.** The clerk must file any document not conforming to this rule and advise the court of the violation of the rule.

### **Committee Notes**

1. The language of Rule CR-49 has been amended as part of the general restyling of the local criminal rules to make them more easily understood and to make style and terminology consistent throughout the rules. These changes are intended to be stylistic only, except as noted below.

2. Subsection (a) has been amended to delete some unnecessary language (“by the parties to said cause”) and to delete the reference to the filing of depositions. The substance of subsection (a) is the same as Rule CV-5 (a).
3. Subsection (b) has been amended to delete the requirement of post filing acknowledgment as such practice has fallen into disuse.
4. Subsection (c) has been amended to delete unnecessary language (“state bar code card number”).